

**Date:** January 22, 2013

**To:** Thomas J. Bonfield, City Manager  
**Through:** W. Bowman Ferguson, Deputy City Manager  
**From:** Marvin G. Williams, Public Works Director  
**Subject:** Contract with River Works, Inc. for Stream Restoration Project Invasive Exotic Vegetation Treatment

### **Executive Summary**

The City of Durham has several stream restoration and stormwater quality projects within City limits that serve to restore and protect its urban streams and riparian resources. These projects provide water quality benefits which support City efforts to comply with Falls and Jordan Lake Nutrient Management Rules. The City granted conservation easements to the state of North Carolina on behalf of the North Carolina Ecosystem Enhancement Program (NCEEP) in order to build these projects. In accordance with the conservation easements, these projects are built and held in maintenance by NCEEP for a period of at least 5 years. After the state-maintenance period ends, the responsibility to oversee protection and continue maintenance of these stream restoration projects and conservation easement areas is transferred to the City. Public Works and General Services prepared a contract to address this maintenance for two of the stream restoration projects, Hillandale Golf Course and Forest Hills Park, which have been turned over to the City. The maintenance included in the contract is the control of exotic invasive, native invasive, and nuisance vegetation species in the conservation easement areas of the two stream restoration projects. The contract includes treatment of target species for six treatment periods over three years. The Administration recommends that the City Council authorize the City Manager to execute a contract for vegetation treatment services with River Works, Inc.

### **Recommendation**

The Administration recommends that the City Council:

- 1) Authorize the City Manager to execute the contract with River Works, Inc. for stream restoration project invasive exotic vegetation treatment in the amount of \$74,325.00;
- 2) Establish a contingency in the amount of \$11,150.00; and
- 3) Authorize the City Manager to modify the contract, as long as the total contract amount does not exceed \$85,475.00 or substantially change the intent or material conditions of the contract approved by City Council.

### **Background**

Public Works, Parks and Recreation, Housing and Community Development, General Services, and Water Management have been working with the NCEEP to implement several stream restoration projects within the City of Durham. The program is seen as an excellent opportunity to accomplish urban stream restoration projects at minimal cost to the City. These projects help the City comply with the Falls and Jordan Lake Nutrient Management Rules as they provide nutrient and sediment reductions and other water quality benefits. The five projects include Ellerbe Creek stream restoration at the Hillandale Golf Course, Third Fork Creek stream restoration in Forest Hills Park, Sandy Creek stream and wetland

restoration in Sandy Creek Park, Ellerbe Creek stream restoration in Northgate Park, and Goose Creek stream restoration in Long Meadow Park and near Eastway Elementary School. The City granted conservation easements to the state of North Carolina on behalf of the NCEEP to allow for the construction and protection of these projects. The NCEEP provides all monetary funds necessary for design, construction, equipment, and labor, and agrees to maintain the projects for at least 5 years after completion. The initial state-maintenance period has expired for two of these stream restoration projects. It is anticipated that the conservation easement maintenance for the remaining three projects will expire in the next two to four years.

The initial state-maintenance period has expired for Third Fork Creek stream restoration in Forest Hills Park and Ellerbe Creek stream restoration at the Hillandale Golf Course; both streams are listed as impaired on the North Carolina 303(d) list. Continuing maintenance of these projects within their conservation easements is now the City's responsibility. As a condition of the conservation easements, the City will provide maintenance measures to preserve riparian and wetland resources in the easement areas and work to maintain their natural condition. This contract for vegetation treatment will continue previous maintenance and vegetation treatment of the projects by NCEEP.

Public Works and General Services have identified that the control of invasive and nuisance vegetation within these projects is needed in order to preserve the riparian resources and to ensure that the water quality aspects of the stream restoration function properly. Proliferation of these plants can degrade the quality of the wetland and riparian resources in the easement areas, alter their natural condition, and interfere with the ecological functions of the easement areas.

This contract will address the control of exotic invasive, native invasive, and nuisance vegetation species in the conservation easement areas of two of the stream restoration projects. The contract is for six treatment periods involving two treatment seasons per year for three consecutive years. Bid Specifications were posted on the City of Durham's website from October 03, 2012 through November 02, 2012 following the formal bid advertisement process. Two companies submitted bids with River Works, Inc. being the lowest qualified bidder.

### **Alternatives**

The alternative is to deny authorization to negotiate and execute the contract. Denying the contract would result in a failure to comply with contractual agreements as established in the conservation easements.

### **Financial Impact**

The City of Durham will pay River Works, Inc. \$74,325.00, with a contingency of \$11,150.00, resulting in a total amount not to exceed \$85,475.00 from the Public Works operating budget (Organization code 5500LO41, Object code 728600).

### **SDBE Summary**

The Equal Opportunity/Equity Assurance Department reviewed the Bid Specifications and all bids received to ensure compliance with the Ordinance to Promote Equal Business Opportunities in City Contracting. There were no SBDE goals for this project. The SDBE report is provided as an attachment.

**Attachments**

Draft Contract

SDBE Compliance Report